

## **ARTICLE 9 NON-CONFORMING LOTS, USES AND STRUCTURES**

### **SECTION 9.0 OVERVIEW**

### **SECTION 9.1 NON-CONFORMING LOTS**

### **SECTION 9.2 NON-CONFORMING USES AND STRUCTURES**

### **SECTION 9.0 OVERVIEW**

Non-conforming Lots, Uses, and Structures shall be regulated as provided in Chapter 40A, Section 6 of the General Laws and as provided in this Bylaw.

### **SECTION 9.1 NON-CONFORMING LOTS**

- 9.10 Notwithstanding the area and frontage requirements hereof, a detached one-family or two-family residential use or lawful building other than a dwelling may be constructed and used on a lot having less than the prescribed basic minimum area and/or minimum frontage, width, yard or depth requirements (provided that all other regulations of this Bylaw are complied with) if said lot, prior to the date of the adoption of the requirements in question was otherwise exempt from such requirements by the provisions of Chapter 40A, Section 6.
- 9.11 Such a non-conforming lot shall not be further reduced in area or frontage, and if it is subsequently combined with other land in such a way as to reduce or eliminate the non-conformity, it shall not again be subdivided except in accord with this Bylaw.

### **SECTION 9.2 NON-CONFORMING USES AND STRUCTURES**

- 9.20 Any lawful building or structure, or use of a building, structure or land, existing at the time of adoption of this Bylaw or any amendment thereto which does not conform to the regulations thereof may be continued. However, except as hereinafter set forth, a non-conforming building or structure shall not be structurally altered, enlarged, nor reconstructed so as to increase its non-conformity under this bylaw.
- 9.200 Under Section 11.1, the Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally non-conforming single family or two family dwelling or, a portion thereof, or accessory structures thereto, provided the proposed change does not constitute a change of use under this Bylaw, and at least one of the following conditions is met:
- 9.2000 In the case of a building non-conforming solely because of insufficient lot frontage or lot area, or both, the proposed change shall meet all dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors and maximum height.
- 9.2001 In the case of a dimensionally non-conforming building with sufficient lot frontage and lot area, where said building, or a portion thereof, is non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.
- 9.2002 In the case of a building non-conforming as to lot frontage and/or lot area, and Nonconforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.
- 9.21 For the purposes of this section a non-conforming use which has been discontinued for twenty four (24) consecutive months shall not be re-established and any future use shall conform to the regulations of this Bylaw.

- 9.22 The Board of Appeals may authorize, under a Special Permit, a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Board may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building.
- 9.23 A building or structure devoted to a non-conforming use (whether in whole or in part) or a building or structure non-conforming as to setback, yards, coverage or height, may, if damaged or destroyed by fire or other accidental cause, be repaired or reconstructed within the same portion of the lot and used as before, provided that such repair or reconstruction is substantially completed within twenty four (24) months of the date of the damage or destruction.